

**ATTORNEY'S DOCKET NO.: 2001796-0005 CIP**

**DECLARATION**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

***TREATMENT OF STAPHYLOCOCCUS INFECTIONS***

the specification of which (I authorize Choate, Hall & Stewart to check one of the following three choices, and fill in the blanks, if applicable):

X is attached hereto;

\_\_\_\_\_ was filed on \_\_\_\_\_ as Application Serial No. \_\_\_\_\_ and amended on \_\_\_\_\_ (if applicable); or

\_\_\_\_\_ was filed as PCT international application No. \_\_\_\_\_, on \_\_\_\_\_ and was amended under PCT Article 19 on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understood the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledged the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

**Prior Foreign Application(s):**

<u>None</u>				
(Number)	(Country)	(Day/Month/Year/Filed)	Yes	No

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) or PCT international application(s) designating the United States of America listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35,

United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

<u>09/337,079</u> (Application Serial No.)	<u>June 21, 1999</u> (filing date)	<u>Pending</u> (status-patented, pending, abandoned)
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**PCT Applications designating the United States:**

<u>PCT/US99/14073</u> (PCT Application No.)	<u>June 22, 1999</u> (filing date)	<u>Abandoned</u> (status-patented, pending, abandoned)
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I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national filing date of this application.

**Provisional Application(s):**

<u>60/090,175</u> (Application Serial No.)	<u>June 22, 1998</u> (filing date)	<u>Expired</u> (status-patented, pending, abandoned)
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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patents issued thereon.

Full name of first inventor A. John Bramley

Inventor's signature \_\_\_\_\_ Date: \_\_\_\_\_

Residence RR3, Box 1571, Hinesburg, VT 05461 US

Citizenship US

Post Office Address Same

Full name of second inventor Karen I. Plaut

Inventor's signature \_\_\_\_\_ Date: \_\_\_\_\_

Residence 1210 Wooded View Drive, Los Gatos, CA 95032-5738 US

Citizenship US

Post Office Address Same

Full name of third inventor David Kerr

Inventor's signature \_\_\_\_\_ Date: \_\_\_\_\_

Residence 2410 Dorset Street Extension, Charlotte, VT 05445 US

Citizenship Canada

Post Office Address Same

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**ATTORNEY DOCKET NO. 2001796-0005 CIP**  
**A S S I G N M E N T**

In consideration of One Dollar (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, the undersigned **A. John Bramley** of Hinesburg, VT, **Karen I. Plaut** of Los Gatos, CA and **David Kerr** of Charlotte, VT hereby

Sell, assign and transfer to **University of Vermont**, having a place of business at **211 Kalkin Hall, Burlington, VT 05405**, its successors, assigns and legal representatives, all hereinafter referred to as the ASSIGNEE, their entire right, title and interest for the United States and all foreign countries, in and to any and all inventions which are disclosed in the application for United States Letters Patent entitled "**Treatment of Staphylococcus Infections**" filed on **February 28, 2002**, (authorization is given to counsel to fill in date and given serial number \_\_\_\_\_ (authorization is given to counsel to fill in serial number) in and to said application and all divisional, continuing, substitute, renewal, reissue and all other applications for Letters Patent which have been or shall be filed in the United States and all foreign countries on any of said inventions; and in and to all original and reissued patents which have been or shall be issued in the United States and all foreign countries on said inventions including the right to apply for patent rights in each foreign country and all rights to priority.

Agree that said ASSIGNEE may apply for and receive Letters Patent for said inventions in its own name; and when requested, without charge to but at the expense of said ASSIGNEE, agree to carry out in good faith the intent and purpose of this assignment by executing all divisional, continuing, substitute, renewal, reissue, and all other patent applications on any and all said inventions, by executing all rightful oaths, assignments, powers of attorney and other papers, by communicating to said ASSIGNEE all facts known to them relating to said inventions and the history thereof, and generally by doing everything possible which said ASSIGNEE shall consider desirable for aiding in securing and maintaining proper patent protection for said inventions and for vesting title to said inventions and all applications for patents and all patents on said inventions, in said ASSIGNEE.

Hereby request the Honorable Commissioner of Patents and Trademarks to issue said Letters Patent to said ASSIGNEE.

Covenant with said ASSIGNEE that no assignment, grant, mortgage, license or other agreement affecting the rights and property herein conveyed has been made to others by them, and that full right to convey the same as herein expressed is possessed by them.

IN WITNESS WHEREOF, I hereto set my hand and seal at \_\_\_\_\_,  
this \_\_\_\_\_ day of \_\_\_\_\_, 2002.

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**A. John Bramley**

STATE OF \_\_\_\_\_  
ss.

COUNTY OF \_\_\_\_\_.

Before me this \_\_\_\_\_ day of \_\_\_\_\_, 2002, personally appeared  
**A. John Bramley** known to me to be the person whose name is subscribed to the foregoing  
Assignment and acknowledged that he executed the same as his free act and deed for the  
purposes therein contained.

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NOTARY PUBLIC  
My Commission Expires:

IN WITNESS WHEREOF, I hereto set my hand and seal at \_\_\_\_\_,  
this \_\_\_\_\_ day of \_\_\_\_\_, 2002.

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**Karen I. Plaut**

STATE OF \_\_\_\_\_  
ss.  
COUNTY OF \_\_\_\_\_.

Before me this \_\_\_\_\_ day of \_\_\_\_\_, 2002, personally appeared  
**Karen I. Plaut** known to me to be the person whose name is subscribed to the foregoing  
Assignment and acknowledged that he executed the same as his free act and deed for the  
purposes therein contained.

---

NOTARY PUBLIC  
My Commission Expires:

[Notary's Seal Here]

IN WITNESS WHEREOF, I hereto set my hand and seal at \_\_\_\_\_,  
\_\_\_\_\_  
this \_\_\_\_\_ day of \_\_\_\_\_, 2002.

**David Kerr**

STATE OF \_\_\_\_\_ SS.

COUNTY OF \_\_\_\_\_.

Before me this \_\_\_\_\_ day of \_\_\_\_\_, 2002, personally appeared  
**David Kerr** known to me to be the person whose name is subscribed to the foregoing  
Assignment and acknowledged that he executed the same as his free act and deed for the  
purposes therein contained.

NOTARY PUBLIC  
My Commission Expires:

[Notary's Seal Here]

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ATTORNEY DOCKET NUMBER: 2001796-0005 CIP

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Bramley, *et al.*

Examiner: NYA

Serial No.: NYA

Art Unit: NYA

Filed: February 28, 2002

For: TREATMENT FOR STAPHYLOCOCCUS INFECTIONS

Assistant Commissioner For Patents

Washington, DC 20231

Sir:

**ESTABLISHING RIGHT OF ASSIGNEE TO TAKE ACTION**  
**(37 CFR §3.73(b))**

The assignee of the entire right, title and interest of inventors in the above-referenced patent application:

**University of Vermont**

hereby seeks to take action in the Patent and Trademark Office in the above matter.

Ownership by the assignee is established as follows:

documents already recorded in the PTO on \_\_\_\_\_.

Reel \_\_\_\_\_ Frame \_\_\_\_\_; and

documents separately submitted for recordal to the PTO (a copy of these documents is attached).

## **STATEMENT**

I, person authorized to sign on behalf of the assignee, have reviewed the evidentiary documents referred to above and certify that, to the best of my knowledge and belief, title is mine/ours as assignee who seeks to take further action.

**University of Vermont**

By: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

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**ATTORNEY'S DOCKET NUMBER: 2001796-0005 CIP**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Bramley, *et al.* Examiner: NYA  
Serial Number: NYA Art Unit: NYA  
Filed Date: February 28, 2002  
Title: TREATMENT OF STAPHYLOCOCCUS INFECTIONS

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

**APPOINTMENT OF ATTORNEY**

The undersigned hereby appoints Sam Pasternack, Registration No. 29,576; Brenda Herschbach Jarrell, Registration No. 39,223; Kevin M. Tormey, Registration No. 41,351; Karoline K. M. Shair, Registration No. 44,332; Elizabeth Nugent, Registration No. 43,839, Valarie B. Rosen, Registration No. 45,698; Anne Marie Dinius, Registration No. 45,592; C. Hunter Baker, Registration No. 46,533; Monica R. Gerber, Registration No. 46,724; Elijah Cocks, Registration No. 47,499; John Hamilton, Registration No. 48,946, and Howard H. Bayless, P-51,245 as its attorneys and agents for prosecution of matters relating to the above-identified patent application and to conduct all business in the United States Patent and Trademark Office.

All correspondence should be sent to Brenda Herschbach Jarrell, Ph.D., Choate, Hall & Stewart, Exchange Place, 53 State Street, Boston, Massachusetts 02109.

**University of Vermont**

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_